

## **REMARKS/ARGUMENT**

Applicant responds herein to the Office Action dated May 24, 2004.

### **Request for Personal Interview:**

Attached hereto is a Form PTOL-413A. Applicants' representative will contact the Examiner by telephone to set a mutually convenient date and time.

### **Regarding the Amendments to the Specification:**

An amended Abstract is submitted herewith to correct a formal error in the previously submitted Abstract.

Applicant also proposes to correct a typographical error noted in the specification during preparation of this response. The proposed change does not introduce new matter, and clearly raises no new issues.

### **Regarding the Claims in General:**

Claims 1-9 and 11-13 are now pending. Claim 10 has been cancelled without prejudice and has been rewritten as new claim 13, dependent on claim 9 to provide the necessary antecedent for "said specific position". The claims are otherwise unchanged.

### **Regarding The Allowable Subject Matter**

Applicants note with appreciation the allowance of claims 2-6, 8, 9, and 11-12.

### **Regarding the Rejection under 35 U.S.C. 112:**

As noted above, claim 13 has been made dependent on claim 9 to overcome this rejection. Since the claim is unchanged in substance, the amendment clearly raises no new issues.

### **Regarding the Prior Art Rejections:**

In the outstanding Office Action, claims 1, 7, and 10 were rejected as obvious over Arakawa et al. U.S. Patent 5,500,675 (Arakawa) in view of Suda et al. U.S. Published Application 2001/0038418 (Suda). Applicant respectfully traverses this rejection.

Preliminarily, applicant respectfully notes that claim 10 was originally dependent on claim 9, and was indicated to be allowable, along with claim 9, in the previous Office Action. Claims 9

and 10 were made independent by incorporating the limitations of parent claim 7 therein, but claim 10 should have remained dependent on claim 9 to provide the antecedent basis for the distinguishing feature recited therein. Since claim 13 (which is identical to claim 10 in its *original* form) is now again dependent on claim 9, it is presumably again allowable.

Turning now to the rejection of claims 1 and 7, it is respectfully noted that the new principal reference, Arakawa, again has nothing to do the problem of providing an electronic imaging device for an electronic still camera capable of high-speed automatic focusing operation. Instead, Arakawa deals with a scheme for *reading out* a stored image in a CCD.

According to the patent, the array is divided into odd and even pixel groups, horizontally and vertically. The odd and even columns are read out during respective odd and even vertical blanking periods. In each period, the odd rows (counted from the top) are read out toward the top and the even rows are read out toward the bottom. There is, however, nothing which suggests that the charges are stored in the array in anything other than a conventional manner.

In contrast, claim 1 calls for storage of charge in a two-dimensional array divided into photoelectric conversion element groups, arranged as shown in Fig. 2. In addition, claim 1 calls for:

control means for controlling the charge storage start timing for said imaging device in such a manner that the photoelectric conversion elements belonging to the same photoelectric conversion element group in said imaging device start to store charges with the same timing and the photoelectric conversion elements belonging to another photoelectric conversion element group start to store charges with different timing.

Nothing like this is suggested in Arakawa.

Nor does anything in Suda remedy the deficiency in Arakawa. As illustrated in Fig. 2, Suda applies data which is read out of the CCD in a conventional manner to two different filters 214 and 215, then selects the output of filter 214 for odd rows of the CCD and the output of filter 215 for even rows. Just as there is nothing special about the manner of reading out image data from the array, there is likewise nothing special about the timing for storage of image data.

The Examiner has pointed out no legally proper motivation for one skilled in the art to combine the teachings of Arakawa and Suda for any purpose, and particularly, in relation to autofocus. Why, for example, would one skilled in the art want to use an array driven in the manner taught by Arakawa for fast auto focusing? There is no indication that automatic focusing could be improved using Arakawa's driving method, or even that it could be used for automatic

focusing. In reality, there appears to be nothing in common between these references except, perhaps, that in both, identification of odd and even rows in the CCD is employed. This is entirely coincidental, and certainly does not represent a connection between them.

Even if one skilled in the art did combine the references for some reason, the result would still not satisfy the terms of claim 1. As explained above, the concept of staggered storage start timing is not taught or suggested in either reference. Claim 1 should therefore be allowed.

Claim 7 also recites the concept of staggered storage start timing in the context of a method claim, and therefore should be allowed for the reasons stated above.

As the rejection of claims 1 and 7 based on Arakawa and Suda was first presented in a final Office Action, if the Examiner adheres to the rejection, it is respectfully requested that in his advisory action, he point out specifically where in either reference the concept of staggered start timing is disclosed or suggested., and also to state explicitly the motivation for combining the teachings of the references. It is believed that this will materially advance the prosecution.

If the Examiner is unable to demonstrate where staggered start timing is disclosed or suggested. in either reference, and/or can not state explicitly a valid motivation for combining the teachings of the references, he is respectfully requested to allow this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 17, 2004

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Date of Signature

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